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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/542,137

07/12/2005

Peter-Andre Redert

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SINGH, SATWANT K

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

06/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/542,137	Applicant(s) REDERT ET AL.	
	Examiner SATWANT K. SINGH	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/06/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 10 and 11 have been renumbered 9 and 10. ***Claim***

Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Nicolas et al. (US 7,139,423).

3. Regarding Claim 1, Nicolas et al discloses a method for acquiring a substantially complete depth map from a 3-D scene with the steps of: a) acquiring partial depth map from said 3-D scene (Fig. 1, Step 1, data relating to an image sequence acquired by a camera moving within a real static scene) (col. 3, lines 23-25), b) acquiring derivatives of depth information from said scene (Fig. 1, Step 2) (a calculation of each pixel of an

Art Unit: 2625

image of a resolution value giving a resolution map of the image) (col. 3, lines 53-60), c) extending said partial depth map by adding non-relevant information to said partial depth map (Fig 1, Step 7) (mask relating to each of the images) (col. 6, lines 42-45), creating a pixel dense full depth map being spatially consistent with both said partial depth map and said derivatives of depth information (Fig. 1, Step 8) (mask are used in the phase of constructing the faceted 3D model, these construction being carried out on the bases of only the selected pixels defined by these masks) (col. 4, lines 61-64).

4. Regarding Claim 2, Nicolas et al discloses a method, characterized in that said non-relevant information extending said depth map is calculated by maximizing a probability function containing said non-relevant information, said partial depth map and said derivatives of said depth map (relevance value combining the resolution and weight) (col. 5, lines 26-53).

5. Regarding Claim 3, Nicolas et al discloses a method, characterized in that said partial depth information and said derivatives of depth information is acquired by quantitative image processing (feedback loop on order refine the calculated relevance values) (col. 6, lines 42-45).

6. Regarding Claim 4, Nicolas et al discloses a method, characterized in that said partial depth information is acquired by detecting a local amount of image texture, and determining depth from spatially high textured areas (data relating to this faceted 3D model are composed of geometrical information and texture information) (col. 6, lines 65-66).

7. Regarding Claim 5, Nicolas et al disclosed a method, characterized in that said partial depth information and said derivatives of depth information is acquired by qualitative image processing (for each selected region, defined by the mask, its outline is polygonized and the corresponding depth map is approximated by 3D triangles) (col. 6, lines 66-67, col. 7, lines 1-10).

8. Regarding Claim 6, Nicolas et al discloses a method, characterized in that said partial depth information is acquired by object segmentation to determine objects within said image and by detecting the ordering of objects (for each selected region, defined by the mask, its outline is polygonized and the corresponding depth map is approximated by 3D triangles) (col. 6, lines 66-67, col. 7, lines 1-10).

9. Regarding Claim 6, Nicolas et al discloses a method, characterized in that said partial depth information is acquired by object segmentation to determine objects within said image and by detecting the ordering of objects (obtaining the maximum of points describing the scene over a minimum of images, their pixels be selected as a function of their relevance) (col. 5, lines 33-36).

10. Regarding Claim 7, Nicolas et al discloses a method, characterized in that human depth perception is modeled by depth sensors and that said pixel dense full depth map is calculated based on properties of said depth sensors (Fig. 1, position and orientation of the corresponding viewpoint) (col. 3, lines 23-45) .

11. Regarding Claim 8, Nicolas discloses a method, characterized in that said pixel dense full depth map is calculated by perturbing pixel values not defined by said

Art Unit: 2625

partial depth map and said derivatives of said depth map and minimizing said probability function relevance value combining the resolution and weight) (col. 5, lines 26-53).

12. Regarding Claim 9, Nicolas et al discloses Integrated circuit providing image processing of still and/or motion images (camera moving within a real static scene) (col. 3, lines 23-33).

13. Regarding Claim 10, Nicolas discloses a method for use in consumer electronics, television and computer vision products (camera moving within a real static scene) (col. 3, lines 23-33).

.Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SATWANT K. SINGH whose telephone number is (571)272-7468. The examiner can normally be reached on Monday thru Friday 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Satwant K. Singh
Examiner
Art Unit 2625

Sks

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625